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RUEABND/DEA HQS WASHINGTON DC
RUEAUSM/US MARSHALS SERVICE WASHDC
RUEAUSM/US MARSHALS SERV HQ ARLINGTON VA

C O N F I D E N T I A L KINGSTON 000677

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E.O. 12958: DECL: 07/18/2018
TAGS: [SNAR](#) [PREL](#) [SOCI](#) [KCRM](#) [JM](#) [CO](#) [XL](#)
SUBJECT: JAMAICA: EXTRADITION OF DRUG KINGPIN NEMBARD --
NOT AS EASY AS IT LOOKED

REF: A. ASDAR -- JULY 11
[B](#). KINGSTON 619

Classified By: NAS Director Andrea M. Lewis for reasons 1.4 (b) & (d)

[1](#)1. (C) Summary: On the morning of July 4, Drug Kingpin Norris "Dido" Nembhard and four co-conspirators lost their final appeal and were eligible for extradition. Following maneuvers by defense attorneys to delay the extradition long enough to mount what would likely have been an unsuccessful appeal to the Privy Council in the United Kingdom, they departed Jamaica on July 11. The inter-agency cooperation at post could not have been better: DEA, ICE, NAS, RSO and U.S. Marshals all deserve kudos. End Summary,

Background on Defendants
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[1](#)2. (C) The DEA Kingston Country Office (KCO) conducted a multi-national and multi-jurisdictional operation targeting Northern Colombia based and Jamaica based drug transportation organizations. The Jamaican targets of this operation centered on Norman Ramcharan, Leebert Ramcharan (named by President Bush as a drug kingpin on June 1, 2004) Norris Nembhard, and two of Jamaica's top ten targets, Robroy Williams and Donovan Williams. These Jamaican nationals and their organization were responsible for transporting multi-ton quantities of cocaine via go-fast vessels from the north coast of Colombia to the Caribbean for subsequent transshipment to the United States. Approximately 600 kilograms of cocaine were seized in Jamaica during joint operations conducted by the DEA and the Jamaica Constabulary Force (JCF). Leebert Ramcharan, Norris Nembhard, Donovan Williams, Robroy Williams, Herbert Henry, Vivian Daley, Glenford Williams and Luis Miguel Avila-Arias were indicted in 2004, and were arrested by Jamaican authorities without incident in 2004. Ramcharan and Donovan Williams were extradited to the U.S. in 2007. In May 2008, Ramcharan was sentenced to 35 years in Federal Prison; Williams received a 27 year sentence one month later.

U.S. Law Enforcement was prepared for a July 5 extradition
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[1](#)3. (C) After four years of waiting for the case to wend its way through the legal system, in May, the KCO received advance notice from its sources that Nembhard and his co-conspirators were scheduled for a July 4 hearing, which was their "final appeal." DEA agents and the Marshals began coordination with the Jamaica Constabulary Force and Jamaica

Defence Force to plan the extradition. Because of concerns about last minute maneuvers by the Defense teams to prevent extradition, DEA had arranged to have one of its own aircraft take the five prisoners off island on July 5. In late June, just prior to the extradition hearing, the DEA Country AttachQ and Marshals staff met both with the Commissioner of Police and the Director of the Office of Public Prosecutions to update them on the USG's intention to move the defendants as soon as possible after the hearing.

¶4. July 4, all the Jamaican defendants lose. Having seen the successful and swift extradition of Leebert Ramcharan and his co-indictee Donovan Williams, in March 2007, an action which prevented a collateral court from interceding on their behalf, the defense teams for Nembhard and his crew were ready. As soon as court pronounced them eligible for extradition, defense council hand-delivered requests for an extraordinary hearing by Attorney General/Minister of Justice Dorothy Lightbourne, something permitted under Article 7 of the Extradition Act. Because the Attorney General granted the special hearing, DEA had its aircraft stand down; the plane was then scheduled to return on July 14. (Note: Avila-Arias, who is Colombian, won his appeal and has been released into Jamaican Immigration Custody for deportation from Jamaica. The KCO continues to work through its counterparts in Miami and Columbia to ensure Avila's arrest when he returns to Columbia for extradition to the United States.)

¶5. (C) Lightbourne told the NAS Director on July 14, that she felt that to be fair her initial reaction was to grant the defense a verbal hearing. After taking the weekend to mull

it over, and realizing that the defense council would just talk her to death, she ordered them to present their claims in writing, which they did.

¶6. (C) On July 7, the Marshals and DEA were hearing rumors that the hearing with Lightbourne was scheduled for later that same week. The Permanent Secretary for the Ministry of Justice confirmed for the NAS Director that Lightbourne would hear the case on July 10. Knowing that the DEA aircraft was not available until July 14, the Marshals requested assistance from ICE in securing an aircraft, in case the extradition's were ordered before the 14. July 7 found the Director of the Office of the Public Prosecutor, Paula Llewelyn working through her channels to ensure that any defense hearing would not be ex-parte. Through the NAS Director, Llewelyn advised the embassy to not make any entreaties directly to the Minister of Justice, requesting that the U.S. instead allow the DPP to represent our interest with the Minister. This is the same advice that she had earlier passed to the KCO. As this was the first test of Prime Minister Golding's government on a high-profile extradition, based on Llewelyn's advice, Post began to work other political channels leaving Lightbourne alone.

¶7. (C) Based upon a request from the Marshals, on July 7, the DCM contacted the Permanent Secretary in the Ministry of National Security to express our concerns regarding the extraordinary hearing and our hope that Lightbourne would uphold the Appeal's Court ruling granting extradition. The call was fortuitous, for that same morning, the Minister of National Security had called a meeting of his senior staff to discuss the extradition. One member of the Senior Staff, the Director for Policy, Ann Marie Barnes, was personally interested in the extradition, as her husband Karl Williams was the officer who arrested Nembhard in 2004 on the U.S. warrant. Williams and Barnes by extension as his spouse, who recently had received threats from Nembhard's family related to the extradition case. On July 8, the Permanent Secretary informed NAS Director that the Minister of National Security, Trevor MacMillan, was fully behind the extradition.

¶8. (C) July 8, the Minister of Justice signed the first surrender order, for Vivian "Jungo" Dally, who waived his right to a special hearing. On the 9th, Minister Lightbourne signed three more orders: for Robroy "Spy"

Williams; Herbert "Scary" Henry; and Glenford "Toe" Williams. However, Nembhard's order remained unsigned. On July 09, Lightbourne received copies of Nembhard's defense motion requesting leave to appeal to the Privy Council. The Permanent Secretary told the NAS Director that afternoon that "these attorneys have to realize that this is serious business, and the games have to stop." Late that evening, the ICE AttachQ received a call from MacMillan notifying us that Lightbourne was prepared to sign Nembhard's order. He asked ICE to "take out the trash."

¶9. (C) On July 10, Lightbourne, fed up that Nembhard's defense team was "playing games with her" just to delay her hand long enough for the court to hear his motion for an appeal to the Privy Council, signed Nembhard's surrender order. Had the court heard and approved the motion for appeal to the Privy Council, it would have issued an order staying Lightbourne's power to extradite the prisoners. This appeal would likely have been futile, as the Council had ruled in late 2007 that it would not hear extradition cases. However, as it would have taken months for the Council to rule, it would have forestalled Nembhard's transfer to the United States. Lightbourne told the NAS Director, on July 14, that she was comfortable signing the order, as in her view, none of the defense motions had any merit.

¶10. (C) On July 10, as a further delay tactic, Nembhard's council requested the opportunity to "talk to U.S. law enforcement." That same day, DEA, ICE, RSO and U.S. Marshals, in collaboration with the Jamaica Constabulary Force, Fugitive Apprehension Team (JCF-JFAT) and Jamaica Defense Force (JDF) finalized their operational plan for the extradition. That evening, the ICE AttachQ received a call from the Minister of National Security, urging us to have the prisoners removed ASAP. The Minister also informed the ICE AttachQ that he and Minister Lightbourne had been threatened with death if the extradition were to take place. The Minister told ICE he was taking steps to provide additional

security to all who were under threat. Based on that call ICE contacted the CBP plane and the schedule for departure was moved up by a few hours.

Extradition occurs on July 11
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¶11. (C) July 11, with the CBP plane on its way, DEA, ICE, RSO and U.S. Marshals assembled at Kingston's airport. After the prisoners were moved, Nembhard's defense council arrived at the prison with copies of the defense motions, which were not accepted. At 11:55, the ICE AttachQ reported "wheels up" to Ambassador Johnson. Throughout the day Nembhard's Defense team continued to demand information on his location, eventually going to the press. Since the extradition became public, the Defense team has continued to try to stir up public opinion against Lightbourne, but to little effect.

¶12. (C) Post Comment: This was the first high-profile extradition executed by the Golding government. Lightbourne, who comes from private practice as a defense attorney (mostly civil cases), places particular emphasis on the protection of human rights and upholding fairness in judicial proceedings. Her natural inclination to "give the defense every opportunity" was used against her at first by Nembhard's council. Post believes that Minister of National Security Trevor MacMillan was instrumental in stiffening Lightbourne's spine between July 5-10 when she signed the extradition orders. It is a very good sign that she apparently now understands the gamesmanship that goes on in Jamaica, and has stated that she will not wait to sign any future surrender orders because she has no interest in giving defense lawyers so much latitude in the future. End Comment.

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